

**SUMMARY OF FINAL DECISIONS ISSUED BY THE TRADEMARK TRIAL AND APPEAL BOARD**  
**September 18-22, 2006**

Date Issued	Type of Case(1)	Proceeding or Appn. No.	Party or Parties	TTAB Panel(2)	Issue	TTAB Decision	Opposer's or Petitioner's Mark and Goods or Services	Applicant's or Respondent's Mark and Goods or Services	Mark and Goods Cited by Examining Attorney	Examining Attorney	Citable as Precedent of TTAB
8-31**	EX	76557678	Tardus America LLC	Quinn* Drost Cataldo	2(d)	Refusal Affirmed		“MONEYWISE” [computer software for accessing, facilitating, manipulating, analyzing, tracking, maintaining, updating and reporting data in the fields of financial, real estate and insurance management, planning and education; computer software for accessing, facilitating, conducting, analyzing, tracking, maintaining, updating and reporting banking, loan, credit line, cash flow, investment, real estate, charity and insurance transactions, records and information; computer software for electronic funds transfer]	“MONEYWISE” [investment services, namely, asset allocation investment management]	Blohm	No
9-19	EX	78430194	Thoroughbred Legends, LLC	Hohein Hairston Walters*	2(d)	Refusal Affirmed		“CITATION” [clothing, namely, hats, caps, visors, aprons, shirts, t-shirts, jackets, vests, sweatshirts, sweatpants, pants, and shorts, all sold in connection with the sport of thoroughbred horse racing]	“CITATION” [jackets, sweaters, shirts and hats]	Hayes	No

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 \*\*Inadvertently omitted from the summary for the week of August 28 – September 2, 2006

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9-20	EX	78294931	Topping	Hohein Hairston* Cataldo	2(d) [Note: The examining attorney did not enter a refusal as to the services in Class 41.]	Refusal Affirmed [Note: Mark will be published for opposition as to the services in Class 41.]		"THE MORTGAGE DOCTORS" [in Class 36: residential mortgage brokerage services; mortgage lending consultation services for residential properties; in Class 41: providing radio programming services in the field of mortgages and mortgage related issues]	"DOCTOR MORTGAGE" [mortgage brokering, lending, purchasing and selling]	R. Smith	No
9-20	EX	78384757	Royalty Carpet Mills, Inc.	Hohein Zervas Cataldo*	2(d); Section 6 disclaimer requirement (of the words QUALITY COLOR CONTENT); requirement to submit a color claim and description of the colors in the mark	Refusal Affirmed as to both cited registrations and as to all requirements made		"MILAN A TRADITION IN FINE CARPET QUALITY COLOR CONTENT" (and design) [residential tufted carpet and rugs]	2 cited registrations, owned by different entities: "THE MILAN STYLE" [ceramic wall and floor tiles] and "A TRADITION IN CARPET" [rug and carpet delivery services]	Lowry	No
9-20	EX	78387617	Juan Pedro Quesada Samper and Gloria Pina Morales	Hairston Walsh* Cataldo	2(d)	Refusal Affirmed		"EXCITE CAT" [boats]	"XCITE" (in stylized format) [boats]	Salemi	No
9-21	EX	76537869	Primary Investments Group Limited	Bucher* Zervas Cataldo	2(d)	Refusal Affirmed		"LIBIDO-MAX" [vitamins; nutritional supplements]	"LIBIDO" [vitamin and mineral supplements]	Collins	No

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9-21	EX	76583624	Arbitration Forums, Inc.	Quinn* Hairston Rogers	2(e)(1)	Refusal Affirmed as to Class 9; but as to Classes 35 and 38, mark may be registered if applicant submits a disclaimer of the term E-SUBRO		"E-SUBRO HUB" [ <i>in Class 9: communications hubs, namely, electronic data exchange system to facilitate sending and receiving electronic subrogation demands between insurance and/or self-insured companies; in Class 35: facilitating the exchange of needed information for financial compensation via the Internet, namely, electronic data exchange system to facilitate sending and receiving electronic subrogation demands between insurance and/or self-insured companies; in Class 38: electronic exchange of data stored in databases accessible via telecommunication networks, namely, electronic subrogation demands between insurance and/or self-insured companies</i> ]		Regan	No
9-21	EX	76263453	The Hoover Company	Seeherman Hohein Drost*	2(d); 2(e)(1)	Refusal Affirmed on both grounds		"NUMBER ONE NAME IN FLOORCARE" [floor cleaning appliances, namely, carpet cleaning machines and floor polishing and cleaning machines]	"THE FIRST NAME IN FLOORCARE" [electrical vacuum cleaners for both domestic and industrial use]	Yard	No

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9-21	EX	78421793	Truth Hardware Corporation	Bucher Drost* Kuhlke	2(d)	Refusal Reversed		"ENCORE" [window hardware made primarily of metal, namely, brackets, tracks, latches, locks, knobs, handles, hinges, operators, and lever sets, sold exclusively to manufacturers]	"ENCORE" [window shutters composed primarily of fiberglass or plastic]	Dwyer	No
9-22	CANC	92043113	AAI Motorsports Co. v. Express Auto Options, Inc.	Walters* Holtzman Walsh	2(d) [priority]; 2(a) [false suggestion of a connection]	Petition to Cancel Denied	"BUDDY CLUB" [automobile after-market accessories and modification kits, including bumpers and side skirts]	"BUDDY CLUB 2" (in stylized format) [new ground effects, namely, automobile bumpers and side skirts]			No
9-22	EX	76592693	Silver Cinemas Acquisition Co. dba Landmark Theatres	Walters* Bucher Zervas	2(d)	Refusal Reversed		"LANDMARK THEATRES" [entertainment services in the nature of motion picture theaters; providing theater listings; providing information and reviews concerning previews and reviews of films, the film industry, film festivals, actors, producers, directors, contests, prizes, motion picture guilds and organizations, TV programs, video and audio streaming, and motion picture studios]	"LANDMARK ENTERTAINMENT GROUP" (and design) [production of films and TV programs; design and development of themes and concepts in the entertainment industry]	Finnegan	No

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9-22	OPP (SJ)	91122000	Amazon. com, Inc. v. Von Eric Lerner Kalaydjian	Seeherman Bucher Cataldo [Opinion "By the Board" (Lykos)]	2(d)	Opposition Sustained (Opposer's motion for summary judgment granted)	"AMAZON.COM" [automated and computerized trading of goods and online mail ordering services featuring, among other things, soaps, perfumery, cosmetics, and cosmetic utensils]; "AMAZON" and "AMAZON.COM OUTLET" [both marks for: electronic retailing services via computer and an online searchable database featuring, among other things, soaps, perfumery, cosmetics, and cosmetic utensils]	"COSMETICSAMAZON" [retail store and on-line ordering services featuring <i>various cosmetics and related products</i> ]			No
9-22	EX	76570324	Listen, Inc.	Drost Zervas Cataldo*	2(e)(1)	Refusal Affirmed		"SOUNDCHECK" [quality control electro-acoustic performance testing equipment for use in a manufacturing environment, namely, computer hardware, microphones and computer software all for use in measuring audio transducer performance and electronic databases featuring quality control information on loudspeakers, microphones, telephones, hearing aids and audio systems recorded on computer software]		Fromm	No

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9-22	EX	76585926	H & H Wholesale Services, Inc.	Quinn Hairston* Grendel	2(e)(1)	Refusal Affirmed		"EASY TEST" [glucose assay strips for use by patients or healthcare professionals at home or in clinical settings for monitoring blood glucose levels]		Gaynor	No
9-22	EX	76051090	Peek & Cloppenburg KG	Quinn Hohein* Zervas	2(d)	Refusal Affirmed as to all four cited registrations		"JAKE'S" [outer clothing, namely, shirts, pants, blouses, skirts, t-shirts, tank tops, dresses, belts, footwear, coats, hats, gloves, jackets, pajamas, robes, shorts, swimwear, vests, caps and baby clothing]	<i>4 cited registrations, all owned by the same entity:</i> "JAKE & CO." [men's and boys' boxer underwear shorts], [adult, children's and infants' knit underwear, thermal undergarments and boxer shorts], <i>and</i> [men's and boys' socks and hosiery] <i>and</i> "JAKE JR." [boys' woven knit and thermal underwear, boxer shorts, undershirts, briefs, socks, hosiery and neckties]	Kan	No

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